REMARKS

In accordance with the foregoing, claims 1, 3-15, and 18-23 have been amended, claims 16,17, 25, and 26 have been canceled without prejudice or disclaimer, and new claims 26-28 have been added. Claims 1, 3-15, 18-23, and 26-28 are pending, with claims 1, 14, and 18 being independent. No new matter is presented in this Amendment and Response to Notice of Non-Compliant Amendment.

Please ENTER the amendments to the specification on pages 2 and 3 of the Amendment After Final Rejection of June 2, 2008, that was entered as the submission required under 37 CFR 1.114 as requested in the Request for Continued Examination (RCE) of July 1, 2008. These amendments to the specification were not objected to in the Notice of Non-Compliant Amendment of September 18, 2008.

On the continuation sheet of the Notice of Non-Compliant Amendment of September 18, 2008, the Examiner states that the Amendment After Final Rejection of June 2, 2008, that was entered as the submission required under 37 CFR 1.114 in the Request for Continued Examination (RCE) of July 1, 2008, does not comply with 37 CFR 1.121 for the following reasons:

> The proposed deletions of five or fewercharacters [*sic*] using strikethrough are not readily readable (i.e. the proposed deletion in line 18 of claim 1, line 3 of claim 5, line 5 of claim 15, line 16 of claim 18, line 6 of claim 20, line 3 of claim 23, line 1 of page 10). Double brackets (i.e., "[[ ]]") should be used instead of strikethrough to show these.

By "line 1 of page 10," the Examiner apparently means line 1 of page 10 of the Amendment After Final Rejection of June 2, 2008, which corresponds to line 6 of claim 23.

The Examiner's comments are based on 37 CFR 1.121(c)(2), which sets forth the procedure for amending claims in an Amendment and states as follows in pertinent part:

> The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived.

Thus, this rule permits five or fewer characters to be deleted using <u>either</u> strikethrough <u>or</u> double brackets, and does <u>not</u> require that double brackets be used.

In the present situation, the Examiner has alleged that the deletion of "set" in line 18 of claim 1, the deletion of "set" in line 3 of claim 5, the deletion of "a" in line 5 of claim 15, the deletion of "one" in line 16 of claim 18, the deletion of "that" and "a" in line 6 of claim 20, the deletion of "of" in line 3 of claim 23, and the deletion of "a" in line 1 of page 10 (corresponding to line 6 of claim 23) using strikethrough cannot easily be perceived, and accordingly must be made using double brackets (i.e., "[[ ]]"). All of these words have fewer than five characters.

It is submitted that the Examiner's position is <u>completely unreasonable</u>. The law firm indicated below has filed hundreds of Amendments deleting words of five or fewer characters using strikethrough, and the undersigned attorney, Randall S. Svihla, does not recall ever seeing a Notice of Non-Compliant Amendment requiring such deletions to be made using double brackets. Furthermore, it is submitted that the deletions made using strikethrough objected to by the Examiner <u>are</u> in fact readily perceivable.

However, <u>solely in an effort to eliminate this issue and advance the prosecution of the application</u>, corrected amendments to the claims correcting the alleged deficiencies in the amendments to claims 1, 5, 15, 18, 20, and 23 in the Amendment After Final Rejection of June 2, 2008, identified by the Examiner have been provided in this paper. However, double brackets have <u>not</u> been used to delete words of five or fewer characters as required by the Examiner. Rather, the deletion of words of five or fewer characters has been made by deleting a longer phrase including the word of five or fewer characters using strikethrough, and inserting the deleted phrase without the deleted word of five or fewer characters the phrase using underlining. For example, in line 18 of claim 1, to delete the word "set," the phrase "information set" has been deleted using strikethrough, and the phrase "information stored" has been inserted using underlining. Although not objected to by the Examiner, the deletion of "and" in line 5 of claim 23 has also been corrected in this manner.

It is submitted that the application is now in condition for allowance for at least the reasons discussed in the Amendment After Final Rejection of June 2, 2008, that was entered as the submission required under 37 CFR 1.114 as requested in the Request for Continued Examination (RCE) of July 1, 2008.

Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with the filing of this paper, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: _10/17/08_
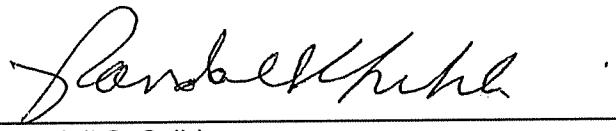
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